

ASSEMBLY, No. 344

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

Exempts sales of county property from certain requirements under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning certain sales of county property that are no
2 longer needed for county purposes and amending P.L.1993, c.36.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1993, c.36 (C.40A:12-13.5) is amended to
8 read as follows:

9 1. a. **[In]** Except as provided in subsection c. of this section,
10 in addition to any other applicable requirements of law, no county
11 may sell, lease for a term of 20 years or more, or exchange any real
12 property or capital improvement for any purpose unless the county
13 first:

14 (1) Prepares a report identifying the reasons for, and all
15 advantages and disadvantages and benefits and detriments of, the
16 proposed sale, lease, or exchange; assessing the environmental and
17 recreational impact of that proposed sale, lease, or exchange,
18 including, but not limited to, the impact on endangered species and
19 nongame species as defined and regulated pursuant to P.L.1973,
20 c.309 (C.23:2A-1 et seq.), and endangered plant species as defined
21 and regulated pursuant to P.L.1989, c.56 (C.13:1B-15.151 et seq.);
22 and assessing the environmental and economic value of the real
23 property or capital improvement proposed to be sold, leased, or
24 exchanged under both its current and proposed use;

25 (2) Makes the report required to be prepared pursuant to
26 paragraph (1) of this subsection available upon request, at no cost or
27 at the cost of reproduction, to the public at least 30 days in advance
28 of the date of the first scheduled public hearing required pursuant to
29 paragraph (3) of this subsection, and at each of the two public
30 hearings; and

31 (3) Conducts two public hearings on the proposed sale, lease, or
32 exchange at least 14 days apart and at least 90 days in advance of
33 the date of the proposed sale, lease, or exchange. Of the two public
34 hearings, one shall be held in the county seat, and the other in the
35 municipality wherein the real property or capital improvement
36 proposed to be sold, leased, or exchanged is located or, if that is not
37 practicable, in a municipality as close thereto as can reasonably be
38 arranged. At each such hearing, the county shall explain the
39 proposed sale, lease, or exchange and indicate the consideration to
40 be received by the county for agreeing to the proposed sale, lease,
41 or exchange.

42 Notwithstanding the provisions of this paragraph to the contrary,
43 in the case of real property or a capital improvement that is
44 proposed to be sold, leased, or exchanged which is located within
45 the municipality that serves as the county seat, only one public

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 hearing need be held.

2 b. The county may assess and collect a reasonable fee from any
3 person to whom real property or a capital improvement may be
4 sold, leased, or exchanged pursuant to this act, which fee shall
5 cover the administrative and any other costs incurred by the county
6 in complying with the provisions and requirements of this act. The
7 fee shall be payable whether or not the real property or capital
8 improvement is in fact eventually sold, leased, or exchanged to such
9 person.

10 c. (1) This section shall not apply to the private sale and
11 conveyance of real property to a local unit, including but not limited
12 to a private sale and conveyance of all or a part of a tract of land,
13 with or without improvements, to a municipality in accordance with
14 section 1 of P.L.1975, c.75 (C. 40A:12-13.3).

15 (2) This section shall not apply to the conveyance of all or a part
16 of a tract of land improved or unimproved to the board of education
17 of a Type II school district in accordance with section 19 of
18 P.L.1971, c.199 (C.40A:12-19), so long as the school board
19 members are directly elected by the voters.

20 (3) For the purposes of this subsection:

21 "Local unit" means a municipality or county and any board,
22 commission, council, district, or other body created by a
23 municipality or county if the governing body of the board,
24 commission, council, district, or other body is comprised of
25 members who are directly elected by the voters.

26 (cf: P.L.1993, c.36, s.1)

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28 2. This act shall take effect immediately.

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STATEMENT

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33 Under current law, whenever a county wants to sell real property
34 that it no longer needs, the county must prepare a report: identifying
35 the reasons for the proposed sale; assessing the environmental and
36 recreational impact of that proposed sale; and assessing the
37 environmental and economic value of the real property proposed to
38 be sold. Current law requires the county to make the report
39 available to the public and to conduct two public hearings on the
40 proposed sale. The county must provide notice of the hearings by
41 newspaper publication and by mail to owners of property located
42 near the property proposed to be sold.

43 This bill would exclude sales of county property from these
44 requirements if the proposal is to sell property to a local unit of
45 government that is represented by a duly elected governing body.
46 This exclusion would apply to sales to Type II school districts,
47 municipalities, and counties, as well as to any entity created by a
48 municipality or county if the governing body of the entity is
49 comprised of members who are directly elected by the voters.